

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARK S. HOLDEN, RICHARD ANDISIO,
EDWARD MARSHALL, ANN MARIE
MARSHALL, ARTHUR CHRISTIANI,
JOHNIELLE DWYER, PAWEL
KRZYKOWSKI, MARIOLA
KRZYNOWEK, JAMES HOWE, and
CINDY A. PEREIRA, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

GUARDIAN ANALYTICS, INC.,
ACTIMIZE INC., and WEBSTER BANK,
N.A.,

Defendants.

Case No. 23-2115

CLASS ACTION

Motion Day: December 4, 2023

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT, PRELIMINARY CERTIFICATION
OF SETTLEMENT CLASS, AND APPROVAL OF NOTICE PLAN**

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs Mark S. Holden, Richard Andisio, Edward Marshall, Ann Marie Marshall, Arthur Christiani, Johniella Dwyer, Pawel Krzykowski, Mariola Krzynowek, James Howe, and Cindy A. Pereira (collectively, "Plaintiffs"), individually and on behalf of all others similarly situated, hereby move this Court for preliminary approval of a proposed class action settlement, preliminary certification of a settlement class, and approval of a notice plan. In support thereof, Plaintiffs rely upon the accompanying Memorandum in Support of Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, and Approval of Notice Plan; the Declarations of Ben Barnow and Charles E. Schaffer; the Declaration of Cameron R. Azari; the records, pleadings,

and papers filed in this action; and such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: November 3, 2023

/s/ Adam Pollock
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